

In re Patent Application Serial No. 10/628,037
Inventor: Pradeliski

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Remarks

The Office Action was reviewed with care in preparation for this amendment and response. This amendment is made pursuant to agreement reached with Examiner Lee Wilson during a telephone interview on April 14, 2006.

The undersigned thanks Examiner Wilson for his courtesy in scheduling the interview and in the thoroughness and care with which the subject was engaged. The amendment of independent claim 1 is in the agreed form. The Examiner should also take note that dependent claim 4 has also been adjusted to include parallel language.

Referring to the Office Action of November 16, 2005, claims 1,4 and 6-7 were rejected under 35 USC §103(a) as unpatentable over Pradeliski '428. As pointed out during the interview, applicant's present invention is an important improvement over the ratchetable open-ended wrench of such prior patent. The structure of the wrench of applicant's present invention is patentably distinguishable over Pradeliski '428 in that the cover plate, as always presented and argued in the present application, is a "load-bearing structural member within the second jaw by virtue of the cover plate being projection welded to the second jaw on both sides of the slot." In other words, the limitation is structural in nature, not merely functional. The amendment now presented, pursuant to agreement with the Examiner, specifies the location of the projection welds ("on both sides [of the slot]") and thus highlights a structural aspect of the invention.

During the interview the Examiner referred to Patent No. 3,695,125 (Glass *et al.*), which discloses a wrench and makes reference to projection welding as one of several possible means of connecting side caps. The Examiner properly noted that the Glass *et al.* patent does not disclose or in any way teach or render obvious the claimed load-bearing structural characteristics of applicant's claimed invention. It is requested that the Examiner add the Glass *et al.* patent to the list of references.

In summary, claims 1, 4 and 6-7 are patentably distinct over both Pradeliski '428 alone and over Pradeliski '428 in view of Glass.

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Claim 5 was rejected under 35 USC §103(a) as unpatentable over Pradelski '428 in view of either Huang or Hansen. Claim 5 is dependent on amended claim 1, and this rejection is respectfully traversed in view of the points and arguments already discussed.

Claim 8 was rejected under 35 USC §103(a) as unpatentable over Pradelski '428 in view of MacLean. Claim 8 is dependent on amended claim 1, and this rejection is respectfully traversed in view of the points and arguments already discussed.

Based on the discussion and agreement during the interview, applicant believes that all claims are in condition for allowance. The Examiner is invited to call the undersigned attorney if that would be helpful in facilitating resolution of any issue that might remain.

Respectfully submitted,

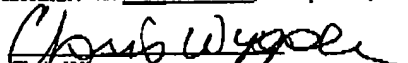

Peter N. Jansson
Registration No. 26,185

Dated: April 14, 2006

Jansson, Shupe, Munger & Antaramian, Ltd.
245 Main Street
Racine, WI 53403-1034
Telephone: 262/632-6900
Attorney Docket No. PRA-102US

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following documents: (1) Transmittal Letter; (2) Combined Amendment and Petition for Extension of Time; (3) Amendment all involving Serial No. 10/628,037 are being facsimile transmitted to Examiner Lee Wilson, Group Art Unit 3723 at the U.S. Patent and Trademark Office, facsimile no. 571/273-4499, on April 14, 2006.


Chris Wipper